

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO ALL
ACTIONS.

MDL No. 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

Magistrate Judge Marianne B. Bowler

PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiffs, by their attorneys, respectfully move this Court for leave to file their Motion to Compel Parexel International Corporation To Comply With Fed. R. Civ. P. 30(b)(6) ("Motion to Compel") under seal.

1. Pursuant to Paragraph 14 of the Protective Order (Dec. 13, 2002), the parties may designate documents "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL."

2. The text of plaintiffs' Motion to Compel cites to and discusses documents and testimony that AstraZeneca and Parexel have designated as either CONFIDENTIAL or HIGHLY CONFIDENTIAL.

3. In addition, most of the exhibits attached to the Motion to Compel have been designated HIGHLY CONFIDENTIAL. Exhibit A is a document (bearing bates number PXL00214) marked HIGHLY CONFIDENTIAL by counsel for Parexel.¹

4. Exhibit B is a portion of the deposition transcript of Keith Patterson, and Exhibit D is a portion of the deposition transcript of Lesley A. Lacey, both of which were designated HIGHLY CONFIDENTIAL by AstraZeneca.

¹ Though the Protective Order does not explicitly apply to third parties, neither plaintiffs nor AstraZeneca objected to Parexel's designation pursuant to that order.

5. Because counsel for AstraZeneca and Parexel have designated this document and the deposition testimony as HIGHLY CONFIDENTIAL, plaintiffs respectfully request leave to file their Motion to Compel and exhibits under seal (and have done so contemporaneously with the filing of this motion).

WHEREFORE plaintiffs respectfully request that this Court grant them leave to file their Motion to Compel Parexel International Corporation To Comply With Fed. R. Civ. P. 30(b)(6), and its exhibits, under seal and all other relief that this Court deems just and proper.

Dated: August 29, 2005

Respectfully submitted,

By: Jennifer F. Connolly/AmW

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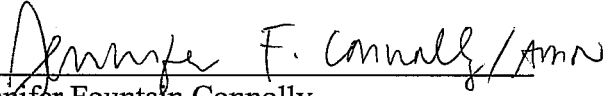
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CERTIFICATE OF SERVICE BY VERILAW

Docket No. MDL 1456

I, Jennifer Fountain Connolly, hereby certify that I am one of plaintiffs' attorneys and that, on August 29, 2005, I caused copies of *Plaintiffs' Motion for Leave to File Under Seal* to be served on all counsel of record by causing same to be posted electronically via Verilaw and to be served by Federal Express on:

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